#1 2152 09/21/62

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on: September 11, 2002.

postage as first class mail in an envelope addressed to: Cor 20231, on: September 11, 2002.

**PATENT** 

Attorney Docket No. 24717-707

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Michael Lloyd, et al.

Art Unit: 2152

Application No.: 09/903,423

Filed: July 10, 2001

Title Systems and Methods for Robust, Real-Time Measurement of Network Performance

Measurement of Network Performance

PATENT APPLICATION

Art Unit: 2152

Examiner: Not Yet Assigned

FECEIVED

SEP 1 7 2002

Technology Center 2100

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

C:\NrPontbl\PALIB1\DH1\2130539\_1.DOC

Attorney Docket No.: 24717-707

$\boxtimes$	This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):									
		(1)	It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  OR							
		(2)	It is being filed within 3 months of entry of a national stage OR							
	$\boxtimes$	(3)	It is being filed before the mail date of the first Office Action on the merits OR							
		(4)	It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.							
	37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:									
		a certification as specified in §1.97(e) is provided below; or								
		a fee of \$180.00 as set forth in \$1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.								
	37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:									
	A.	a certification as specified in §1.97(e) is completed below; and								
	B.	a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and								
	C.	a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.								
	Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.24717-707).									
			Respectfully submitted,							
			WILSON SONSINI GOODRICH & ROSATI							
Dated:		9/11/	By: Kenta Sazue, Reg. No. 45,145							

650 Page Mill Road Palo Alto, CA 94304-1050 (650) 493-9300 Customer No. 021971

-2-

SEP 16 ZOUZ - AZ

SHEET 1 OF 1

TRACE						SITEL	1101	
	ATION DISCL	OSURE	ATTY. DOCKET NO.		SERIAL NO.			
	CITATION		24717-707 09/903,423					
	PTO-1449		APPLICANT Michael	Lloyd, et al.			-	
			FILING DATE July 10, 2001 GRO		GROUP 2152			
		U.	S. PATENT DOCUME	NTS				
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLA	SS SUBCLASS	FILING DATE		
<del>.</del>								
					RECEIVE	ED -		
						1 7 2002		
·				7	Technology Center 2100			
<del></del>					comology center	2100	-	
		FOR	EIGN PATENT DOCUM	ENTS				
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLA	SS SUBCLASS		SLATION	
						YES	NO	
	WO 00/25224	04/05/00	PCT					
						$\perp \Box$		
<del></del>	1		Including Author, Title, D					
	Sami Iren et al. Vol. 31, No. 4,	, "The Transpo December 199	rt Layer: Tutorial and Surv 9, pages 360-405.	ery", XP-0022	210446, ACM Com	puting Su	irveys,	
	D.B. Ingham et Systems 29 (19	al., "Supporting 140, pages 140.	ng Highly Manageable Web 5-1416.	Services", Co	mputer Networks a	nd ISDN		
			<del></del>					
XAMINER			DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.